

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

AARON DEWAYNE HUDGINS,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-3218

PRIMECARE MEDICAL,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant PrimeCare Medical's Motion to Dismiss and Alternative Motion for Summary Judgment (ECF No. 10) and dismiss this civil action, without prejudice. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** PrimeCare Medical's Motion to Dismiss and Alternative Motion for Summary Judgment (ECF No. 10) and **DISMISSES** this civil action, **without prejudice**, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 20, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE